

REMARKS

Applicant's undersigned attorney thanks Examiner Yu and supervisory Examiner Dr. Christopher Low for the courtesy of an extended telephone discussion of the problems in this case on June 7, 2002. During these discussions, applicant's undersigned attorney pointed out that, although it does not say so as its face, the present application is a divisional application of an application which has now become a patent and is referenced above.

Applicant's undersigned attorney further raised the point that while there was a restriction requirement in the parent application dated October 15, 1999, between the allowed composition/compound claims and the method of use claims, there was no restriction requirement directed to any of the groups within claim 1 of the parent. Applicant's undersigned attorney further pointed out that while the scope of Claim 1 of the present application was slightly broader than that of the issued patent the number of additional Markush groups present in Claim 1 did not substantially increase the scope of the number of compounds covered over that parent. During the discussions, Dr. Low indicated that this appeared to be a reasonable position and agreed to consider it favorably if submitted in writing. Hence, it is applicant's position that since there was no restriction requirement as to the scope of the compounds claimed in Claim 1 of the parent, there should similarly be no restriction requirement with respect to the compounds claimed in the method of treatment Claims 9 – 11 of the present application since there are essentially of the same scope all those of Claim 1 are the now issued parent.

In reviewing the file of the parent application it was noted that the scope of Claim 1 as originally filed was the same as that of Claims 9 – 11 of the present application and was restricted to the scope as issued, in view of certain art cited by the Examiner. Applicant expresses no opinion as to the applicability of said cited art on the

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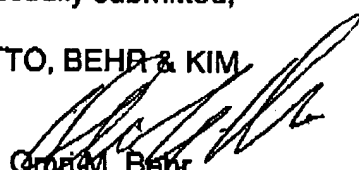
present claims and awaits the Examiner's action on the merits of the claims presently on file.

In view of the foregoing comments and amendments it is respectfully requested that the claims of the application as they now stand proceed to substantive examination.

Applicant has received no paper from the Commissioner indicating that the response filed on April 5, 2002 was insufficient. Hence, it is believed that no fees are due for extension of time to respond to the Office Action dated March 11, 2002.

Respectfully submitted,

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